Single Bench

(1) (4)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

W. P. (S) No. 6062 / 2006

PETITIONER'S :

1. Smt. Kamla Bek, W/o. Shri Leda Bek, aged about – 39 years, Assistant Teacher Govt. Girls Primary School, Pakhnakot, Block – Dharmjaygarh Distt. – Raigarh (C.G.)
2. Smt. Padma Bai Patel (now Dongare) W/o. Shri Shyam Dongare, aged about 35 years, Asstt. Teacher, Govt. Primary School Ghui-Chuwa, Block-Pali, Distt. –Korba (C.G.)

P.R. No. 6098/06
Presented by Shri Anil Singh
dated 4-11-06

VERSUS

RESPONDENT'S :

1. State of Chhattisgrh, Through – The Secretary Department of Tribal Welfare D.K.S. Bhawan, Raipur (C.G.)
2. Commissioner Tribal Welfare Department , Chhattisgarh Government Raipur
3. Assistant Commissioner, Tribal Welfare, District- Raigarh (C.G.)
4. Assistant Commissioner, Tribal Welfare, District- Korba (C.G.)

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WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA for ISSUANCE OF SUITABLE WRIT, WRITS, DIRECTION ETC. TO DO JUSTICE IN THE MATTER.

(38)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.6062 OF 2006

Petitioners : Smt. Kamla Bek and another

versus

Respondents : State of Chhattisgarh and others

WRIT PETITION (S.) NO.6078 OF 2006

Petitioner : Dhyanu Singh Kanwar

versus

Respondents : State of Chhattisgarh and others

Present : Mr. Anil Singh Rajput, counsel for the petitioners in both the petitions.
Ms. Deepali Pandey, Panel Lawyer for the respondents/State in W.P.(S.) No.6062/2006.
Mr. Ajay Dwivedi, Panel Lawyer for the respondents/State in W.P.(S.) No.6078/2006.

ORDER
(Passed on 7th of November, 2006)

By this petition under Articles 226/227 of the Constitution of India, the petitioners seek a direction to the respondents to pay the increments and seniority on the basis of the date of their initial

appointment in the light of the decision rendered by the learned State Administrative Tribunal, Jabalpur in Original Application No.1452 of 1998 (*Harish Chand Singh and others vs. State of M.P. and others*) dated 31-1-2000, Original Application No.802 of 1998 (*Akhilesh Mishra and others vs. State of Madhya Pradesh and others*) and Original Application No.991 of 1998 (*Ramayan Prasad Dwivedi and others vs. State of M.P. and others*).

2. Learned counsel appearing for the petitioners placed on record a copy of the order dated 12-10-2006 passed by this Court in Writ Petition (S.) No.5593 of 2006 (*Smt. Asha Ekka (now kaushik) and another vs. State of Chhattisgarh and others*) and submits that the petitioners are similarly situated, therefore, the similar order may be passed.

3. The present writ petitions, being Writ Petitions (S.) No.6062 of 2006 and 6078 of 2006 involve similar facts and common question of law. Thus, these petitions are being disposed of by this common order.

4. The cases of the petitioners are that they were appointed as Teacher in the School Education Department on probation for a period of two years with the fixed salary. However, later on, after completion of two years' probation, the petitioners were regularized, but, they were not given the regular pay-scale. Other similarly situated teachers moved the State Administrative Tribunal, Jabalpur for regular pay-scale, wherein learned Tribunal, vide order dated 31-1-2000, allowed the same. The petitioners made several representations to

accord the same treatment as they are also similarly situated teacher, but, the respondents have not paid any heed. Thus, this petition.

5. Learned counsel for the petitioners submits that the petitioners may be allowed to make a representation to respondent No.1 to give similar treatment to the petitioners and the same pay-scale which has been sanctioned to other similarly situated teachers on account of the order of the State Administrative Tribunal dated 31-1-2000, to which learned counsel for the respondents/State has no objection.

6. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, in the opinion of this Court, the limited prayer made by learned counsel for the petitioners appears to be reasonable. Therefore, the petitioners are allowed to make a representation within a period of two weeks from today to respondent No.1, raising all their grievances and, in turn, respondent No.1 shall decide the said representation in an objective manner within a period of 30 days from the date of receipt of such representation, after considering all the points raised by the petitioners and taking into account the order dated 31-1-2000 passed by the learned State Administrative Tribunal in Original Application No.1452 of 1998, and if the petitioners stand on the same footings, as the petitioners in the Original Application No.1452 of 1998, then they be also sanctioned the same pay-scale and seniority.

7. The writ petitions are accordingly disposed of with the aforesaid direction. No order as to costs.

(91)

8. A copy of this order be placed on the record of the connected writ petition.

Sd/-
Satish K. Agnihotri
Judge

Gopal